THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21131 OF 2005

Date:28.09.2005

Between:

G.Venkata Narasimha Rao

… Petitioner

AND

The Agent to Government/Collector

Khammam District, Khammam

and others

… Respondents

ORDER:

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The 3rd respondent filed an application before the 2nd respondent alleging that the transfer of the land in Sy.Nos.559 and 560 of Akinepalli Village, Dammapet Mandal, Khammam District, admeasuring Ac.13.34 gts in favour of the petitioner and others, is contrary to the provisions of A.P. Schedule Area Land Transfer Regulation 1 of 1950 read with Regulation 1 of 1970. The 2nd respondent took up the same as LTR Case No.612/92/DPT. After conducting necessary enquiry and trial, he dismissed the same through his order, dated 11.02.1993. Aggrieved thereby, the 3rd respondent filed C.M.A.No.23 of 1994, before the 1st respondent. Through his order, dated 19.08.2003, the 1st respondent allowed the C.M.A. The petitioner challenges the same in this writ petition.

Learned counsel for the petitioner submits that initiation of proceedings against the

petitioner was absolutely without any basis, and in fact, the 2nd respondent found that he has no jurisdiction to entertain the matter. He submits that the 1st respondent committed material irregularity in allowing the appeal.

Learned Government Pleader for Social Welfare, on the other hand, submits that the petitioner had alternative remedy of revision before the Government and the writ petition cannot be entertained, at this stage.

Though the order was passed on 19.08.2003, the same is said to have been furnished to the petitioner in the recent past. In fact, an official of the office of the 1st respondent, initialed the order, as late as on 22.09.2005. Therefore, it cannot be said that there is delay on the part of the petitioner in pursuing his remedies.

It is not in dispute that the Regulations provide for revision against the order passed by an appellate authority i.e., the Agent to Government. The Government would be in a better position to appreciate the matter from the points of view of fact and law and the petitioner can avail that remedy. His interests can be protected by issuing certain directions.

Hence, the writ petition is disposed of leaving it open to the petitioner to prefer a revision before the Government, against the impugned order. If the same is filed within four weeks from today, it shall be entertained as having been presented within the limitation. It shall also be open to the petitioner to file an application for stay.

The order dated 19.08.2003, passed by the 1st respondent in C.M.A.No.23 of 2004, shall remain suspended for a period of six weeks or till the Government passes an order on the application filed by the petitioner for grant of stay, whichever is later. If the revision is not filed within four weeks from today, the suspension granted hereunder shall lapse. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:28.09.2005

Note: Office to furnish copy

In three days.

(B/o.) ***TS***